REMARKS

Claims 1 through 11 are in the application and are presented for consideration. By this amendment, Applicant has made changes to independent claims 1 and 3. Further, claim 5 has been written in independent form. Claim 1 now includes features of claim 6, with these features now having been removed from claim 6. Claim 3 now includes features of claim 8, with these features now having been removed from claim 8. Claim 5 now includes features from claim 10. Similar features have been canceled from claim 10.

Claims 1 through 8 and 10 had been rejected under 35 U.S.C. section 102(b) as being anticipated by Uemura et al. (US 6,293,339 B1). The rejection is based on the position that Uemura et al. discloses each feature arranged as specified in the claims.

Uemura et al. discloses a vehicle air-conditioning system with an independent driver and passenger temperature control. The system provides a switch where the passenger can select the source of the air to be conditioned. As discussed at column 3, line 16 through 19, the switching box 2 is on an ordinary inside/outside type. Most vehicles have such a selector whereby the driver (user) selects whether the air to be conditioned will be from the outside source (fresh air or ambient air) or an inside source (recirculated air, such as already conditioned air). It is noted at column 6, line 34, *"the various air-conditioning devices controlled by the ECU are driven by a driving motor 66 of the inside/outside switching door 2a of the blower unit 1..."* to change between and inside and outside air flow. This occurs based on a switch 63 that is provided for activating the motor to change the state between outside air and inside air, using the ECU. However, the fact that the ECU is the intermediary

between a motor and the switch actuated by the user, does not provide any teaching or suggestion with regard to the claimed setting of an outside to inside air ratio on the basis of the outside temperature sensor.

As can be appreciated from the discussion starting at the bottom of column 6, Uemura et al. does not teach any control of the source of air (inside air or outside air) as part of the control algorithm, such as with reference to Figure 20. Uemura et al. discloses no control or mixing arrangement for setting an outside air/ambient air ratio. Instead, the reference discloses selecting outside **or** inside air with this selection being controlled by the user and not by the control algorithm. The ECU does not make a selection and does not mix inside and outside air. The selection is purely based on the status of switch 63. Also, there are only two states, namely inside air or outside air. There is no mixed state, namely no intermediate mixing state. This air selection arrangement is denoted by 2, 2a in Figure 1 of Uemura et al. Further, Figure 3 and the corresponding statements in column 6, lines 17 and 18 of this publication refer to the temperature sensors 54 and 55for detecting the outside temperature and the inside temperature. However, there is no disclosure in Uemura et al. according to which the outside air/ambient air is to be adjusted on the basis of output of these temperature sensors. In particular in those paragraphs referenced in the office action, the mixing is by air-mixing film members 26. As can be seen for example in Figure 1 of Uemura et al. one of these films 26 is arranged such as to cover the opening 15 and the heat exchanger 14. By shifting this film 26, the air passage through the opening 15 and the heat exchanger 14 can be adjusted. This is what is done by the control program shown in Figure 20 of Uemura et al.. There is no linkage between this

particular control and the adjustment of the member 2a shown in Figure 2 of the Uemura et al. reference. Therefore when considering only Uemura et al., it may be noted that Uemura et al. fails to teach and fails to suggest the combination of features as claimed. Accordingly, reconsideration of the rejection based on Uemura et al. is respectfully requested.

A German search report has issued based on the corresponding German patent application. These documents have already been referenced in the information disclosure statement (IDS) submitted May 5, 2004, at the time of filing the application. It is requested that this IDS be considered and that consideration of these references be confirmed. In addition, a European search report has issued on July 30, 2004, which cites additional references. It is requested that the Examiner consider these references.

DE 101 10 558 A has been cited under category X as to European claims 1 – 4 and 7 and has been cited under category Y as to European claims 6. Please note the particular passages referenced.

EP 0 023 052 A has been cited under category X as to European claims 1 – 5. Please note the particular passages referenced.

Patent Abstracts of Japan corresponding to JP 61 050822 has been cited under category X as to European claims 2 and 3. Please note the particular passages referenced.

DE 41 15 141 has been cited under category Y as to European claim 6. Please note the particular passages referenced.

Of the above, DE 101 10 558 A1 appears to be most relevant in disclosing that the signal of the outside air temperature sensor and the signal of the inside air temperature sensor

can be used for switching between an operating mode "ambient" and an operating mode "fresh air" (see [0035] to [0037]). However, this is again a switching between the modes as opposed to a mixing. Further, this document contains no disclosure that the heat output of the heater is to be adjusted on the basis of a heating air stream temperature sensor. In particular there is no disclosure at all for the provision of such a sensor. The same is true for EP 0 023 052. Accordingly, the prior art as a whole fails to teach and fails to see just the culmination features as claimed. Applicant therefor requests that the Examiner reconsider the rejection based on the claims as now presented and in view of the comments above and favorably consider the claims in view of the prior art including the newly cited prior art submitted herewith.

Favorable consideration on the merits is requested.

Respectfully submitted
for Applicant,

By: _____
John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.

JJM:jj/tf
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Enclosed: Credit Card Payment Form
PTO-1449 Form
copy of European Search Report
copy of German Search Report
copies of (3) References

DATED: November 23, 2005
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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BY: LoriAnn Foxte DATE: November 23, 2005